



SEP 27 2018

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September 24, 2018

Hon. Jon Phipps McCalla
United States District Court
Western District of Tennessee
Chambers Room 1157, Courtroom 1
Clifford Davis and Odell Horton Federal Building
167 North Main Street
Memphis, Tennessee 38103

Re: *B.E. Technology, L.L.C. v. Amazon Digital Services, Inc.*, No.: 2:12-cv-02767-JPM-tmp

Dear Judge McCalla:

I am Martin David Hoyle, and the Inventor and President/CEO of B.E. Technology, L.L.C., the Plaintiff in this case. As B.E. Technology is currently without counsel, I write this letter to respectfully request that the Court dismiss without prejudice B.E. Technology's case against Amazon Digital Services, Inc. This letter is also being sent to Defendant's counsel.

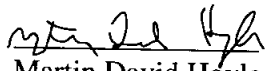
B.E. Technology filed this patent infringement lawsuit in September 2012, and the case has been stayed since December 2013. During this time, one of the patents asserted in this case was found unpatentable and cancelled by the Patent Trial and Appeal Board. A number of B.E. Technology's patent infringement lawsuits filed against other entities were dismissed as a result of the cancellation of the claims of United States Patent No. 6,771,290 and United States Patent Number 6,628,314 (which is not asserted in this case).

After this case has been stayed for almost five years and following the PTAB's decision, circumstances for B.E. Technology have changed. B.E. Technology asks that its case be dismissed without prejudice to preserve its rights with respect to United States Patent Number 6,141,010. Dismissing this case without prejudice would not cause any harm to Amazon, as no discovery or substantive proceedings have taken place in this case, and Amazon itself has continuously sought that this case be stayed during the course of the IPR proceedings and appeal. Furthermore, Amazon has not been inconvenienced from the delay in this case and has indeed profited greatly from employing the targeted advertising invention of United States Patent Number 6,141,010 for years while this case has been stayed. This is B.E. Technology's first request to dismiss this case without prejudice.

If the Court declines to dismiss this case without prejudice, B.E. Technology respectfully requests that the Court give B.E. Technology additional time to secure new counsel in this case. It is not clear how much time it would take B.E. Technology to obtain appropriate counsel, and B.E. Technology respectfully requests a 90-day period to do so. The challenge in obtaining new counsel for B.E. Technology in part relates to obtaining the financial resources and/or securing a law firm willing to engage in the representation on an alternative fee arrangement.

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Sincerely,


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